

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

CC Docket No. 01-277

In re:)	
Application of BellSouth Corporation)	REPLY AFFIDAVIT OF TODD
Pursuant to Section 271 of the Telecommunications)	HOCHREIN ON BEHALF
Act of 1996 to Provide In-Region, InterLATA)	OF BROADSLATE
Services in Georgia and Louisiana)	

Todd Hochrein, being first duly sworn, deposes and says:

1. My name is Todd Hochrein, and I am the Director of Finance for Broadslate Networks, Inc. ("Broadslate"). My business address is 630 Peter Jefferson Parkway, Suite 300 Charlottesville, Virginia 22911.
2. I am the same Todd Hochrein who filed an affidavit in support of Broadslate's initial comments in this docket.
3. My affidavit addresses checklist item 2, access to BellSouth's operations support systems ("OSS").
4. In my October 22, 2001 affidavit, I described problems Broadslate was experiencing with double billing from BellSouth. One such problem is BellSouth's assessing multiple charges for the same elements or service. Examples of this double billing were attached to my October 22, 2001 affidavit as Exhibit TH-1.
5. On cross examination before the North Carolina Utilities Commission, BellSouth witness David Scollard was asked about the same instances of double billing included on the invoices included in Exhibit TH-1. See transcript attached. He denied that these entries represented double billing by BellSouth.

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6. Scollard testified that in each case of double billing alleged by Broadslate (See Exhibit TH-1, Example 1, p. 4, Example 2, p. 3, Example 3, p. 3) the fact that there were two different service order numbers reflected on the invoice indicated that there were two separate orders.

Q: And wouldn't you agree this [referring to Exhibit TH-1, Example 3, p. 3] is again an example of duplicate billing of Broadslate by BellSouth for collocation?

A: No. I would again say that there's two service orders and we processed the service orders as they were originated.

NCUC Docket P-55, Sub 1022, Transcript, volume 8, p. 371 (November 2, 2001).

Attached, as Exhibit TH-4

7. Contrary to Mr. Scollard's testimony, BellSouth has acknowledged that the invoice about which Scollard was examined in the excerpt above did, indeed, include a double-billed amount. Attached, as Exhibit TH-5 is a BellSouth Interconnection Billing Adjustment Request Form in which Broadslate disputed the double billing on BellSouth invoice number C010297297-01182. This invoice, dated July 1, 2001 is included in Exhibit TH-1 as Example 3. Page 3 of that Example reflects the double billing which Broadslate disputed. The amount of the double billing is \$3001. In the Billing Adjustment Form, BellSouth acknowledges that it double billed Broadslate for this amount, and BellSouth issued a credit for the full amount of the double billing. (Exhibit TH-5 was not available to Broadslate's counsel when he examined Mr. Scollard in the North Carolina proceeding.)

8. BellSouth has also recently issued credits to Broadslate in for the amounts of the double billings reflected in Examples 1 and 2 of Exhibit TH-1.

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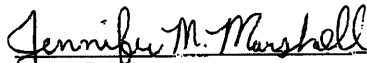
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9. All three double billing examples included in Exhibit TH-1 contain separate service order numbers. However the purchase order numbers ("PONs") for each service order reference the common language location identifier code ("CLLI") for the BellSouth central office location of the collocation. For example, page 3 of Example 2 of Exhibit TH-1 reflects two service order numbers each associated with April 17, 2001 -- SO R973M6R1 and SO R975GPV3. However the PONs for both service orders are the same. This fact and the acknowledgement in Exhibit TH-5 belie Mr. Scollard's explanation.

I declare that the foregoing is true and correct based on my knowledge, information and belief.


TODD HOCHREIN

Subscribed and sworn to before me
this 13 day of November, 2001.


Notary Public

My Commission Expires: 9-30-2004

PLACE: Dobbs Building, Raleigh, North Carolina

DATE: November 2, 2001

DOCKET NC. : P-55, Sub 1022

TIME IN SESSION: 8:32 A.M. TO 12:32 P.M.

BEFORE: Chairman Joanne Sanford, Presiding
Commissioner Sam J. Ervin, IV
Commissioner J. Richard Conder
Commissioner Robert V. Owens, Jr.
Commissioner James Y. Kerr, II

IN THE MATTER OF:
Application of BellSouth Telecommunications Inc. to Provide
in-Region InterLATA Service
Pursuant to Section 271 of The
Telecommunications act of 1996

VOLUME 8

A P P E A R A N C E S :

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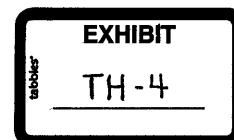


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3 MR. EDENFIELD: BellSouth has no objection to
4 that exhibit, and I would move in Mr. Heartley's
5 composite Exhibit Number 1.

6 CHAIR SANFORD: The WorldCom and the BellSouth
7 exhibits are admitted.

8 THEREUPON, WORLDCOM HEARTLEY CROSS
9 EXAMINATION EXHIBIT NUMBER 1 AND
10 BELLSOUTH HEARTLEY COMPOSITE EXHIBIT
11 NUMBER 1 WERE ADMITTED INTO EVIDENCE.)

12 CHAIR SANFORD: Thank you, Mr. Heartley.
13 You're excused.

14 MR. EDENFIELD: I believe Mr. Scollard is on
15 deck.

16 THEREUPON,
17 DAVID P. SCOLLARD,
18 Having been first duly sworn, was
19 Examined and testified as follows:

20 DIRECT EXAMINATION BY MR. EDENFIELD:

21 Q. State your name and address for the record, please,
22 sir.

23 A. My name is David Scollard, 600 North 19th Street,
24 Birmingham, Alabama.

25 Q. Are you the same David Scollard that caused to be

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3 further.

4 CROSS EXAMINATION BY MR. CAMPEN:

5 Q. Good morning, Mr. Scollard.

6 A. Good morning.

7 Q. My name is Henry Campen, and I am appearing on
8 behalf of a group of competing local providers and
9 the Southeastern Competitive Carriers Association.

10 Can you hear me, Commissioners?

11 CHAIR SANFORD: Yes.

12 MR. CAMPEN: I'm trying to jump ahead.

13 CHAIR SANFORD: Trying to anticipate.

14 MR. CAMPEN: Yeah.

15 Q. Mr. Scollard, do you have your direct testimony
16 with you?

17 A. Yes, I do.

18 Q. Okay. If you'd turn to page 18.

19 A. Okay.

20 Q. And I hope I'm right, because I didn't bring my
21 copy of your testimony with me. But I believe on
22 that page you discuss controls that BellSouth has
23 in place to ensure that BellSouth billing systems
24 are processing billing transactions correctly.

25 A. Yes, I do.

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3 Q. And at line 18 of that testimony you state, do you
4 not, that, "The objective is to ensure that bills
5 are accurate, complete and timely."

6 A. Yes.

7 Q. And on line 19 you say, "Indeed, BellSouth has in
8 place a myriad of controls, exception checks, and
9 error correction activities performed each day."
10 Do you see that?

11 A. Yes.

12 MR. CAMPEN: With the assistance of Ms.
13 Azorsky, if she's willing, I'll pass out an exhibit
14 which I'll ask be marked as SECCA Scollard 1, and I
15 would ask the Commission and Mr. Scollard not to be
16 alarmed by the thickness of this exhibit. We are
17 not going to go through each line of each page.
18 But for fear of leaving out something that ~r.
19 Scollard thought would be important, I've included
20 probably more than I needed to.

21 (THEREUPON, SECCA SCOLLARD CROSS
22 EXAMINATION EXHIBIT NUMBER 1 WAS MARKED
23 FOR IDENTIFICATION.)

24 Q. Mr. Scollard, you have that before you, and I would
25 ask you to turn to tab 1.

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3 A. Okay.

4 Q. Do you see that?

5 A. Yes.

6 Q. And do you recognize that document?

7 A. This appears to be a BellSouth CABS bill.

8 Q. And it's from BellSouth and it's to Broadslate

9 Networks; is that correct?

10 A. Yes.

11 Q. And look at the top right-hand corner. There's a

12 bill number. Do you see that?

13 A. Yes, I do.

14 Q. And that's 910-C01-0078, correct?

15 A. Yes.

16 Q. And it's got a bill date of May 1st. And is the

17 bill number also referred to as the BAN, or B-A-N?

18 A. Yes.

19 Q. And the total amount due for this bill from

20 Broadslate to BellSouth by June 1st is \$29,572 as

21 reflected there, correct?

22 A. Yes.

23 Q. Okay. And if you'll flip over to the first

24 numbered page, you'll see that that total is broken

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out to late payment charges of \$1.21, monthly

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3 access charges, and then other charges and credits

4 totaling \$28,827.58. Do you see that?

5 A. Yes.

6 Q. Okay. Flip over, if you would, Mr. Scollard, to
7 numbered page 4 of this bill.

8 A. All right.

9 Q. And this is, again, the same BAN number of this
10 statement, and the caption is "Detail of Other
11 Charges and Credits." Do you see in the top left
12 hand corner, about three lines down, "April 26,
13 '01"?

14 A. Yes, I do.

15 Q. And the statement beneath that is "Debit for Space
16 Prep, Per Actuals." Do you see that, the very next
17 line, "Debit for Space Prep, Per Actuals."

18 A. No. Oh, yes, I do. I'm sorry.

19 Q. And do you see that \$11,588.79 is the total there,
20 correct?

21 A. Yes.

22 Q. And this is a collocation bill; is that right?

23 A. It appears to be.

24 Q. For collocation space to Broadslate. And then you
25 see, about the middle of that top section of the

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3 page, in reading from the left, you see the
4 initials "ADH" nad then it says 1 additional
5 engineering and a total of \$31.00. Do you see
6 that?

7 A. Yes, I do.

8 Q. And then a couple of lines down you see 127
9 additional engineering and a total of \$2,794.00.

10 A. Yes, I do.

11 Q. Okay. And, in fact, at the top we have \$11,588.79.
12 Do you see that?

13 A. Yes.

14 Q. And would you accept, subject to check, that the
15 total of those amounts, 11,588, 31, and 2,794 is
16 \$14,413.79?

17 A. Since that's the subtotal at the bottom, I hope it
18 is.

19 Q. All right. Good. And then look at April 30th. Do
20 you see that date there at the middle of the page?

21 A. Yes, I do.

22 Q. And we see repeated, don't we, the same
23 descriptions and amounts; that is, \$31, 2,794, and
24 11,588, correct?

25 A. Could you say that again? I'm sorry.

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3 Q. Yes, sir. The same amounts that appear at the top
4 of the page are repeated at the bottom, and
5 specifically, \$31 for one additional engineering,
6 127 additional engineering for a total of 2,794---

7 A. Yes, I do.

8 Q. And then the space prep per actual?

9 A. Yes.

10 Q. So the total on the bill is 28,827.58 at the very
11 bottom of the page, and that is twice 14413,
12 correct?

13 A. Yes.

14 Q. Now, this is an example of a duplicate bill, is it
15 not?

16 A. No, I don't think it is. There's two different
17 service orders that have initiated these charges,
18 so two distinct service orders came in for service.
19 I can't tell whether this is the--the same order or
20 not. The system got two service orders and we
21 processed two service orders and they got a bill
22 for it.

23 Q. So the exact same bill containing the exact same
24 amounts and identical amounts, you don't believe
25 that's duplicate billing?

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3 A. I don't know. I'm not in the collocation group,
4 nor do I fill out collocation service orders, so I
5 can't tell for them.

6 Q. Let's look at the last page of this particular tab,
7 and it's marked "collocation worksheet." Do you
8 see that?

9 A. Yes, I do.

10 Q. And do you know what this is?

11 A. No. I've never seen these.

12 Q. Do you know what the form is? Have you seen a
13 collocation worksheet?

14 A. No, I have not.

15 Q. Well, let's move on. Turn to tab 2, and this is a
16 bill to Broadslate again, correct?

17 A. Yes.

18 Q. And it carries a July 1st date, and the BAN or
19 billing number is reflected at the top?

20 A. Yes.

21 Q. Do you see that?

22 A. Yes, I do.

23 Q. The first numbered page shows a total of other
24 charges and credits of \$17,635. Do you see that?

25 A. Yes, I do.

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Q. And if you'll flip over to the third numbered page,
we'll have another detailed page much like the one we
just looked at before, and do you see at the top there
billed amount \$11,633?

A.

Yes

.

Q.

And that's space prep is what it indicates, and it's another language I don't understand, and then there's a \$31 charge much like the bill you just looked at for one additional engineering. I guess that's unit of engineering, that totals \$2,907.

A. Yes, I see that.

Q. And those same numbers are repeated below, are they not?

A. Yes, they are.

Q. And wouldn't you agree this is again an example of duplicate billing of Broadslate by BellSouth for collocation?

A. No. I would again say that there's two service orders and we processed the service orders as they were

originated.

Q. Well, let's look at tab 3 then. And this is another bill from BellSouth to Broadslate dated May 1st, 2000. Do you see that?

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3 A. Yes, I do.

4 Q. And let's flip over to the second page, which is
5 the first numbered page, and we see other charges
6 and credits of \$26,783, correct?

7 A. Yes.

8 Q. And then flip to the third page. And here we have
9 two entries again, both dated April 17th of 2001.

10 A. Say that again. I'm sorry.

11 Q. Yeah. There are two entries, both for the same
12 date, April 17th. One at the top and one mid-way
13 down the page.

14 A. Yes.

15 Q. And there are various amounts listed there. If
16 you--would you accept, subject to check, that \$31
17 and \$3058 plus \$10,302 is a total of \$13,391.50,
18 which is the subtotal shown at the top of the page
19 -or middle way of the page, I guess, in the amount
20 column? Do you see that?

21 A. Yes.

22 Q. Would you agree that this, again, appears to be an
23 example of duplicate billing for the same
24 collocation space?

25 A. No. Again, there's two service orders that came

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3 through and we processed them. I don't know what
4 the service orders were filled out for by the
5 collocation center.

6 Q. Very good. Let's move on to the next tab, which is
7 tab 4. Still searching for some agreement. Now,
8 this is a series of three statements. I think the
9 pages are numbered 1 through 9 or 7. The first one
10 is, again, a bill from BellSouth to BroadStare,
11 correct?

12 A. Yes.

13 Q. And it's got a bill date of June 1st, 2000. The
14 very first page is behind that tab.

15 A. Yes.

16 Q. Okay. And the bill number begins 606. Do you see
17 that?

18 A. Yes, I do.

19 Q. And on that page, under invoice number there, it
20 says due by July 2, amount due zero, correct?

21 A. Yes.

22 Q. All right. And turn to page 3.

23 A. Numbered page 3, or--

24 Q. I numbered it in handwriting at the bottom of the

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25

page.

EXHIBIT

TH-5

**BellSouth Interconnection
Billing Adjustment Request Form (BAR) RF1461**

Carrier Dispute Section:					
1. * Date 2001-07-29 (yyyy-mm-dd):		2. * New Dispute (Yes/No): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3. * Carrier Claim/Audit Number: Carrier Name: BROADSLATE NETWORKS	
4. * Select Service Type: <input type="checkbox"/> Switched Access <input type="checkbox"/> Special Access <input checked="" type="checkbox"/> Interconnection <input type="checkbox"/> UNE <input type="checkbox"/> PIC-C <input type="checkbox"/> Equal Access <input type="checkbox"/> Resale <input type="checkbox"/> Collocation <input type="checkbox"/> LNP					
5. * Carrier (IXC) ACNA/CLEC/OCN: BRO					
6. * BAN/Q Account: 919 C01 0297 297					
7. * End User Telephone Number (If Q Account):					
8. * BellSouth Circuit number(s) (If Applicable):					
9. * Amount Disputed: 3,001.00		10. <input type="checkbox"/> Recurring Charges		11. <input checked="" type="checkbox"/> NonRecurring Charges	
12. * Bill Dates/Invoice Dates: 7/01/01 or From: & To: Dates (yyyy/mm/dd)					
13. Amount Withheld from Bill: \$3,001.00					
14. * # BAN Number(s)/Q Account(s) Short Paid:					
15. * Reason Amount is In Question (Tariff or Contract Reference as appropriate): (Continue on second page if needed) It appears that these dollars were duplicated on the invoice. They were entered on June 11 th and then again on June 12 th . True up does indicate \$3,001.00					
<input type="checkbox"/> Attached, is a marked-up copy of the page(s) on which the questioned item(s) appears: Additional Information (i.e. page number(s), item number(s) on bill etc.)					
<input type="checkbox"/> Attached, is a Spreadsheet listing dispute details, this is required for Mass Disputes. Select Mass Dispute Type: <input type="checkbox"/> MRC <input type="checkbox"/> OCC <input type="checkbox"/> USG <input type="checkbox"/> LPC <input type="checkbox"/> TAX This type of dispute must be submitted via the dispute templates found on the following URL. http://www.interconnection.bellsouth.com/forms/billing&collections.html (Note: Only one dispute type may be submitted per Audit Number on the BAR RF1461 Form.)					
Disputing Carrier Contact Section:					
16. Name: DONNA WHITE			17. e-mail: DONNA.WHITE@BROADSLATE.NET		
18. Telephone #: 804 220 7693			19. (Area Code) Fax #: 804 220 7701		
20. Address: 630 PETER JEFFERSON PKWY CHARLOTTESVILLE VA 22911					
BellSouth Dispute Resolution Section:					
21. Date (yyyy-mm-dd):		22. BellSouth Audit Number:		23. Contact Number: Contact Name:	
		X08062401X01022X			
Dispute Rejection Section:					
<input type="checkbox"/> Dispute Rejected See Field # 33 For Explanation:					
Billing Adjustment Request Section:					
24. \$ Amount Disputed: 3001.00		25. \$ Credit: 3001.00		26. \$ Debit:	
27. \$ Denied:		28. \$ Additional Credit:		29. \$ Additional Debit:	
30. \$ Net Credit / Debit: 3001.00					
31. Invoices or Bill Adjustment will appear:					
32. BAN Number(s) Q Account(s) Credit/Debit Applied To:					
33. Explanation - (Continue on second page if needed): Dispute Granted. 2-Order processed in error. Credit will be on the 10/1 bill. Service orders RX375056 and RX51K903					
34. Service Rep Name: DENVER CENTRAL				35. Telephone #: 800-923-2455	
36. Fax #:				37. Date: (www-mm-dd): 2001-9-10	

Indicates this is a required field see list of field descriptions.

This form may be found at <http://www.interconnection.bellsouth.com/forms/billing&collections.html>

08/01/01

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